



Public Notice

U.S. Army Corps Of Engineers Galveston District	Permit Application No: _____	23284
	Date Issued: _____	5 February 2004
	Comments Due: _____	8 March 2004

**U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
AND
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

PURPOSE OF PUBLIC NOTICE: To inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

AUTHORITY: This application will be reviewed pursuant to Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act.

APPLICANT: City of Aransas Pass
600 West Cleveland Boulevard
Aransas Pass, Texas 78336-3638

AGENT: Naismith Engineering, Inc.
P.O. Box 3099
Corpus Christi, Texas 78463-3099
Telephone: 361-814-9900
POC: David Sullivan

LOCATION: The project is located in what is presently known as Conn Brown Harbor adjacent to SH 361 in Aransas Pass, San Patricio County, Texas. The project can be located on the U.S.G.S. quadrangle map entitled: Aransas Pass, TX. Approximate (NAD 83) UTM Coordinates: Zone 14; Easting: 683293; Northing: 3087537.

PROJECT DESCRIPTION: The applicant proposes to develop the existing Conn Brown Harbor. The applicant's proposal includes bulkhead repair at shrimping/fishing industry waterfront businesses, new bulkhead construction, floating docks that would create new recreational boat slips, over-water deck structures, retail development, marine support services, infrastructure improvement, public boat ramp and waterfront access improvements, and harbor cleanup. New bulkhead construction would be above Mean High Water and would not involve fill in waters of the United States. The applicant's plans are enclosed in 13 sheets.

The applicant proposes to repair and replace the existing bulkhead where it is needed and attach floating piers to the bulkhead. The piers would be formed by tethering several floating dock structures to the west bulkhead. The docks would have several floating finger pier structures attached to them to form approximately 450 boat slips for recreational pleasure craft. The exact number of slips, their configuration, and their dimensions will be determined based on public demand; however, the configuration will not extend beyond the area depicted, and the dimensions will not exceed those in the accompanying project plans (Sheet 2 of 13).

On the east bulkhead, the applicant seeks authorization to construct commercial vessel berthing structures in either of two configurations, depending on the needs of the lessee of the adjacent land. The lessee would be responsible for construction and maintenance of piers and would select from either of two configurations. One option is to construct catwalk piers that would extend 40 feet into the harbor perpendicular to the bulkhead, turn ninety degrees and run parallel to the bulkhead for varying lengths, then turn another ninety degrees back to the bulkhead (Sheet 9 of 13). This configuration would allow vessels to berth parallel to the catwalk. The second option for berthing would be to construct individual 6-foot-wide timber piers not to exceed 80 feet in length to accommodate vessels that berth bow in. In addition, the applicant proposes to repair the bulkhead and several deteriorating, existing catwalk piers on the east bulkhead, to accommodate commercial vessels.

Additionally, the applicant proposes to excavate a portion of land adjacent to the harbor to improve navigability around some of the proposed piers. The land to be excavated is near a water and sewer pipeline right-of-way in the southeast corner of the harbor, across from the proposed broker/charter offices and is not associated with the current boat yard. The applicant proposes to remove approximately 1500 cubic yards of material from a 0.36-acre area. The applicant does not propose to construct a bulkhead where the land would be removed.

The harbor development includes construction of a restaurant with an open-air seating, over-water deck that would be covered but not enclosed. The over-water seating area would be 40 feet wide and 65 feet long. In addition, the restaurant plans also include a 6-foot-wide catwalk adjacent to the existing bulkhead. The catwalk would extend out 45 feet from the shoreline into the harbor, turn ninety degrees, run 255 feet adjacent to the existing bulkhead, and then ninety degrees back to the shore.

The retail development portion would be on the west side of the harbor. As part of that development the applicant proposes to shift the existing levee approximately 20 feet to the west, which would require fill in wetlands regulated under Section 404. The applicant proposes to place fill material in a 20-foot-wide swath and have a 20-foot-wide construction corridor, which would ultimately result in 0.62 acres of wetland impacted. The source of the fill would be material from the east side of the levee. The applicant proposes to transfer material from the east side of the levee to the west side.

The applicant also proposes to construct a drainage ditch between Wilson Street and Wheeler Street along a previously platted street alignment. The ditch would be 40 feet wide and approximately 800 feet long.

The ditch would impact approximately 0.73 acres of wetland. The combined wetland impact of the seawall/levee modification and drainage ditch would be approximately 1.35 acres.

The applicant has conducted sediment analyses on several areas within the harbor including the area that would be dredged. Results of those analyses are available on request. Additionally, the applicant has conducted a wetland delineation of the area behind the existing levee where they propose to place fill material and is also available upon request. A plan to mitigate the wetland impacts is currently being developed.

NOTES: This public notice is being issued based on information furnished by the applicant. This information has not been verified.

A preliminary review of this application indicates that an Environmental Impact Statement (EIS) is not required. Since permit assessment is a continuing process, this preliminary determination of EIS requirement will be changed if data or information brought forth in the coordination process is of a significant nature.

Our evaluation will also follow the guidelines published by the U.S. Environmental Protection Agency pursuant to Section 404 (b)(1) of the Clean Water Act (CWA).

OTHER AGENCY AUTHORIZATIONS: Texas Coastal Zone consistency certification is required. The applicant has stated that the project is consistent with the Texas Coastal Management Program goals and policies and will be conducted in a manner consistent with said Program.

STATE WATER QUALITY CERTIFICATION: This project incorporates the requirements necessary to comply with the Texas Commission on Environmental Quality's (TCEQ) Tier I project criteria. Tier I projects are those which result in a direct impact of three acres or less of waters of the state or 1500 linear feet of streams (or a combination of the two is below the threshold) for which the applicant has incorporated best management practices and other provisions designed to safeguard water quality. The Corps has received a completed checklist and signed statement fulfilling Tier I criteria for the project. Accordingly, a request for 401 certification is not necessary and there will be no additional TCEQ review.

NATIONAL REGISTER OF HISTORIC PLACES: The staff archaeologist has/has not reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible, and other sources of information. The following is current knowledge of the presence or absence of historic properties and the effects of the undertaking upon these properties:

The permit area was created in modern times and has had no human habitation; therefore, little likelihood exists for the proposed project to impinge upon a historic property.

THREATENED AND ENDANGERED SPECIES: Preliminary indications are that no known threatened and/or endangered species or their critical habitat will be affected by the proposed work.

ESSENTIAL FISH HABITAT: This notice initiates the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Our initial determination is that the proposed action would not have a substantial adverse impact on Essential Fish Habitat or Federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

PUBLIC INTEREST REVIEW FACTORS: This application will be reviewed in accordance with 33 CFR 320-330, the Regulatory Programs of the Corps of Engineers, and other pertinent laws, regulations and executive orders. The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal, will be considered: among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people.

SOLICITATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Impact Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

This public notice is being distributed to all known interested persons in order to assist in developing facts upon which a decision by the Corps of Engineers may be based. For accuracy and completeness of the record, all data in support of or in opposition to the proposed work should be submitted in writing setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition.

PUBLIC HEARING: Prior to the close of the comment period any person may make a written request for a public hearing setting forth the particular reasons for the request. The District Engineer will determine whether the issues are substantial and should be considered in the permit decision. If a public hearing is warranted, all known interested persons will be notified of the time, date, and location.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before **8 March 2004**. Extensions of the comment period may be granted for valid reasons provided a written request is received by the limiting date. **If no comments are received by that date, it will be considered that there are no objections**. Comments and requests for additional information should be submitted to:

Reagan Richter
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U.S. Army Corps of Engineers
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Corpus Christi, Texas 78411-4318
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DISTRICT ENGINEER
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